

104

1-18-89, 9:30 a.m.

Phone Conference w/ S.J. Nudelman + Sons.

EPA -

Deborah Hilsman, OLC
Eileen Hayes
Bee Hedgebeck

S.J. Nudelman

- David Blount
- Maw Nudelman
- Russ Bunker, Sweet Edwards

Deborah made introductory comments

- informal conf.
- rules of evidence apply.
- expected to receive info but didn't

Blount - will send cases re EPA's burden of proof

Eileen - went through VIOS

Vio One - leaking GE trans (imputed PCB Transformer)

Blount - understand presumption

- Nudelman informed him that BPA sold particular transformer to Nudelman
- Gordon Davis/BPA told Nudelman EPA's requirements had been met with

- wires do not identify transformer per se
- have contacted BPA to request info
- have contacted General Counsel ~~to~~ at BPA to discuss - BPA's numbering system does not correspond to serial #s.
- contacted GE - GE cannot give information re transformer
- field inspector had opportunity to test but didn't
- Bunker from Sweet Edward took wipe test from area on transformer -

Bunker - trans body 16" x 23" (approx)

- tilted to south (~~east~~ on which transformer lay)
- S side of trans body leans to south
- at some time some trans fluid flowed from trans
- mid-point of trans body sample (100 cm²) taken - South side
- result: 24.9 µg PCB

Blount - conclusion: presumption - does not contain 500 ppm or greater based on wipe sample

Bunker: have never seen trans containing > 50ppm with this type of wipe sample

Blount: federal govt ^(BPA) sells elec equip to Nadelman - BPA tells client equip is in compliance w/ federal law

- has no reason to expect he is receiving hazardous material from govt.
- is recycling environmental benefit
- not profitable venture for his client
- no history of violations at facility
- proposed penalty is not fair and does not represent penalty policy

Uhlen - did Gordon/BPA provide statement.

Bunker - did not sample fluid

Bull - would be unusual for inspector to test equipment

- no would exist ~~req~~ if PCB content \geq 50ppm
- would need sample of actual PCB content to rebut assumption - steel technical ord

Eileen - Violation Two - read

Blount - interesting issues

- bushings examined by Bunker
- labeled bushings: oil was mfg. by Shell "Diala-D" oil - Shell & Shell says not PCB

[Bue (common knowledge that Diala not PCB)]

Blount - inspector sampled soil - < 2 ppm

- allegation indicates oil not disposed of properly

- Nudelma says received empty [Eileen: picture shows leakage on soil in area of bushings]

Bue - did all bushings have identical Diala markings

Bunker - was able to read nameplates on three

- was unable to read on others (some

- overgrown with weeds)

- APPEAR to be identical

Bue - all obtained at same time from BPA?

Blount - yes

Gordon / BPA would have knowledge of - (b) (6) possibly reachable

- Vios 3-6 - still unresolved

BREAK

Delrah recalled Blount

- laid out current thinking / how we propose to resolve

re Vios 1, 3-6 - would like sampling of dielectric fluid in trans. - would substantially mitigate if trans < 50ppm
- would want copy of analytical result

re Vios 2, would like

- verification of nameplate of bushings on site
- (to verify Diala) - affidavit
- affidavit of Nudelman that all bushings obtained from BPA
- copy of Ind statement
- if all Diala, will accept as non-PCB
- if bushings discovered that are not Shell Diala, ~~but~~ dean and buck test those non-Diala

would dismiss Vio 2 based on above actions

- date to file answer 1-31-89

- will make settlement offer when information rec'd - ca extend answer date at that time

to finalize settlement

- hoping to receive info w/i 10 days

Blount - 10 days may be short

- need to talk to people to do sampling

- if more needed, will call

~~Blount~~ - put on hold

Blount - will go ahead and do what you requested

- will let know if turnaround a problem